

REMARKS

The Examiner rejected claim 25 as being obvious over Kinnunen in view of Shively. Applicant disagrees. Claim 25 is directed to a wireless communication device having a controller that keys and un-keys the transceiver to begin and end the transmission of a prerecorded message to an identified recipient. The controller of claim 25 identifies the recipient of the prerecorded message, and keys and un-keys the transceiver to begin and end transmission of the prerecorded messages responsive to voice commands uttered by the user.

The Examiner admits that Kinnunen does not teach or suggest keying and un-keying a transceiver to begin and end transmission of a prerecorded message responsive to voice commands uttered by the user, but asserts that Shively does. Shively neither teaches nor suggests anything of the sort.

Shively discloses a pager that transmits buffered messages to a calling party. However, far from being activated by voice commands, the Shively pager requires a user to manually operate "a simple a push to talk switch" to both record and transmit a message. *Shively*, p. 3, ¶0022 (emphasis added). According to Shively, depressing the PTT switch allows the user to record a message, while releasing the PTT switch starts a delay timer. The message that was recorded when the PTT switch was depressed is not transmitted until after the delay timer expires. *Shively*, p. 3, ¶0025; *see also*, Figure 4, steps 43-44. Whatever Shively teaches, it requires the user to manually operate a PTT switch to both record and transmit a message. Shively never mentions that the pager keys and un-keys the pager's transmitter responsive to the user's voice commands to begin and end the transmission of a prerecorded message.

Additionally, there is no motivation to combine the references. Kinnunen teaches entering a transmit mode using a voice command specifically to "[keep] the audio path open [to the microphone] all the time." *Kinnunen*, p. 12, ll. 28-30. This is necessary in Kinnunen so that a Voice Activity Detection (VAD) algorithm can detect the user's voice commands that begin

and end the voice transmissions while the transmitter is keyed. Contrastingly, Shively teaches not activating the speech circuitry (i.e., the DSP) and the transmitter at the same time to ensure low power consumption. *Shively*, p. 3, ¶0025. Shively intentionally delays keying the transmitter to send a recorded message until after the speech circuitry has completed its function and enters an idle mode.

No one skilled in the art would be motivated to combine these two references because each teaches a fundamentally inapposite concept. Kinnunen necessarily requires both circuits to be active to transmit a message, while Shively explicitly discourages this. The two cannot be reconciled with each other. Neither reference teaches or suggests, alone or in combination, claim 25 or any of its dependent claims. As such, the §103 rejections to claim 25 and its dependent claims fails.

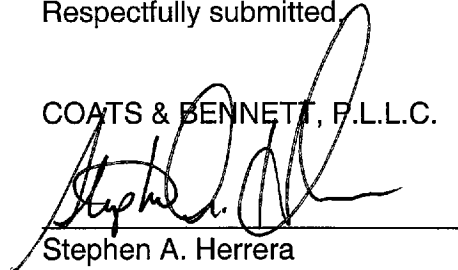
The Examiner also rejected claim 36 as being obvious over Kinnunen over Shively. Claim 36 also requires keying and un-keying a transceiver responsive to user voice commands to begin and end the transmission of a prerecorded message. Therefore, the §103 rejections to claim 36 and its dependent claims fails for the same reasons as those stated above.

In addition, claim 36 also requires recording the prerecorded message responsive to predetermined voice commands. Kinnunen, as admitted to by the Examiner, fails to teach or suggest this aspect of the claimed invention. As evidenced above, Shively requires the use of a manually operated PTT switch to record a voice message. Manually operating a PTT switch to record a message does not constitute issuing a voice command to record a message. Further, whatever words the user utters in Kinnunen after a given voice command keys the transmitter are transmitted immediately to the network. Accordingly, for this additional reason, neither Kinnunen nor Shively teaches or suggests, alone or in combination, claim 36 or any of its dependent claims.

In light of the foregoing remarks, none of the references teaches or suggests, alone or in combination, any of the pending claims. Therefore, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted

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A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line.

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